

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW MEXICO

MERLINDA PEREA, and FRANCINE PUENTES,
Co-Personal Representatives of the
Wrongful Death Estate of JERRY PEREA and
ON BEHALF OF THE MINOR, BP

Plaintiffs,

-vs-

NO: CIV 13-263 RB-RHS

CITY OF ALBUQUERQUE,
ALBUQUERQUE CITY POLICE,
APD OFFICER DAVID BACA and
APD OFFICER ANDREW JARAMILLO,

Defendants.

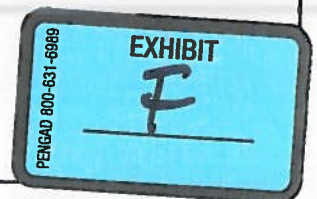
DEPOSITION OF DAVID BRADFORD

March 10, 2014
9:23 a.m.
Fourth Floor
One Civic Plaza, Northwest
Albuquerque, New Mexico

PURSUANT TO THE FEDERAL RULES OF CIVIL
PROCEDURE, this deposition was:

TAKEN BY: STEPHANIE M. GRIFFIN, ESQ.
ATTORNEY FOR DEFENDANTS

REPORTED BY: KENDRA D. TELLEZ
CCR #205
Kendra Tellez Court Reporting, Inc.
Suite 1500
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Albuquerque, New Mexico 87102



<p>17</p> <p>1 A. The date that it happened, I was sort of 2 upset because they kept me for so long. I wasted a 3 whole day just sitting in the cop car just waiting 4 on them to make these -- for me to make this 5 statement. 6 Q. Okay. 7 A. And so -- which I think was ridiculous to 8 keep me from there 9:00 until -- I didn't make it 9 back to my job till maybe 3:00 or something like 10 that there. 11 Q. Okay. 12 A. I was more upset than -- I wanted to just 13 get it over with. I just wanted to tell what I seen 14 and let me go back to my job. 15 Q. I get it. 16 But do you think that your memory was 17 fresher on that day? 18 A. Yes, it was. It was fresher on that day 19 than now. 20 Q. Okay. So when you saw the police with 21 this male, could you -- using either Exhibits 12, 22 13, or 14, and can you circle the area with the 23 green marker of where you first saw them. Whatever 24 exhibit would help you the best. 25 A. Do you want me to initial it?</p>	<p>19</p> <p>1 then there he was. 2 Q. Okay. And you mentioned earlier that you 3 believe that this male was resisting. Can you 4 describe what he was doing? 5 A. He was resisting by -- how should I put 6 it? You know how they handcuff you and all that, 7 and he wouldn't let them grab his arms or -- and 8 eventually they -- he winded up on his back -- you 9 know, winded up on his back on the pavement there 10 and they was still trying to handcuff him. And it 11 took a while for them to obtain him. One while he's 12 okay, they still didn't handcuff him, and the other 13 while he's just -- he turns over on his stomach and 14 he's -- you know, he wouldn't let them just 15 apprehend him. 16 Q. Okay. And what were the officers doing to 17 try to handcuff him, from your perspective? 18 A. They tried putting him in maybe a headlock 19 and one tried to pull his arm behind his back and 20 vice versa. And I heard one officer was telling 21 him, "Please don't resist. Please don't resist," 22 and he was just -- you know, he was just -- he was 23 not being very cooperative about it. 24 Q. Did you hear the male who was -- the 25 officers were trying to handcuff, did you hear him</p>
<p>18</p> <p>1 Q. You can just circle the general area of 2 where you first saw them. 3 A. Okay. 4 Q. And for the record, you just marked a 5 circle using the green marker on Exhibit Number 13? 6 A. Um-hmm. 7 Q. Is that a yes? 8 A. Yes. 9 Q. Okay. And the reason why I'm kind of 10 correcting you to say yes or no is because we have a 11 court reporter here. We need to make sure that it's 12 clear as to what you're saying. 13 And in this area that you marked with the 14 green marker on Exhibit 13, what did you first 15 notice when you saw this interaction between police 16 and this male? 17 A. That they was trying to -- that they was 18 trying to handcuff him. 19 Q. Did you see where the male had come from? 20 A. No. 21 Q. Did you even notice where the police had 22 come from? 23 A. No. 24 Q. You just -- 25 A. I just happened to look over there and</p>	<p>20</p> <p>1 say anything? 2 A. The officer? 3 Q. No, the male whom the officers were trying 4 to handcuff? 5 A. Mostly groaning and -- mostly groaning 6 that he didn't want to be -- you know, like "uh-uh," 7 and, you know, just -- he really wasn't saying too 8 much that you could understand. 9 Q. All right. Did you see any of the 10 officers use any weapons against him? 11 A. No. I want to think during that 12 altercation that one of the two -- one of the 13 officers Tased him, but now which one Tased him or 14 was he Tased, I really, really don't know. 15 Q. Did you see the male getting Tased? 16 A. No, I didn't. 17 Q. What makes you think that a Taser may have 18 been used during this event? 19 A. Because after that, the ambulance came 20 and -- yeah, the rescue came and they was taking 21 some wires out of his side, or whatever, so I 22 figured that. I don't know which one Tased him 23 or -- I figured it was a Taser that they -- now, 24 what officer did it, I don't know. 25 Q. Do you have any sense of how long it took</p>